

**RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 56, LOT 7**

WHEREAS, JOHN and MOIRA BARRETT have applied to the Board of Adjustment of the Borough of Rumson for permission to raze the existing house and construct a new single family house and detached garage at the existing premises located at 10 Riverview Avenue and known as Block 56, Lot 7 on the Tax Map of the Borough of Rumson, and which premises are in the R6 Zone; and

WHEREAS, on May 18, August 17 and November 16, 2021, at a meeting of the Board, due notice having been given the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant and the public, including site/architectural plans by A. Condouris, Architect, sheets Z1, Z2, Z3, all dated 10/25/21, being revisions of earlier plans dated 3/23/21, and the Administrative Officer data sheet has made the following factual findings:

1. The property is an existing small one story house, located on an undersized (5000 s.f.) corner lot having 100 feet frontage on Riverview Avenue and 50 feet frontage on Highland Avenue. The applicants' initial proposal presented at the May 18 meeting was to raze the house, retain the foundation, and construct a substantially larger two story house on that foundation with a detached garage. Several members of the Board and the public expressed objection and/or concern as to the alignment of the new house, the deficient setbacks on a two story house, and the proposed size/height of the proposed house on a small lot. Based upon those comments and objections, the applicant requested a continuance to revise the plans and reduce the size/height and the various nonconformities. That request was granted.
2. Revised Plans were presented at the August 2021 continued hearing. Although the revised plans proposed removing the foundation and the house and realigning the proposed house to be parallel to Riverview Avenue and Highland Avenue, removed initially proposed attic dormers, lowered the proposed structure height, and removed certain proposed entrances and porches on the initial plans, the revised plans at the August meeting still had a number of proposed nonconformities, such as having Riverview Avenue as the proposed primary

front and deficient primary building setback, deficient front porch setback, deficient secondary front setback, and proposed substantial overages for building coverage (1,165 s.f. permitted, 1,372 s.f. proposed) and floor area (2,000 s.f. permitted, 2,337 s.f. proposed). All on a lot that is undersized and with deficient lot width/frontage.

3. Upon review of the August 2021 revised plans, a number of Board members and the public expressed continued concern and objection that, although the revised plan reduced some of the nonconformities and issues, the plan still proposed a house that was too large, with too many significant variances, than appropriate for the size lot existing. There was concern expressed that the applicant had not provided adequate planning proofs and justification for the variances requested. As a consequence, the applicant again requested a continuance to revise the plans again to reduce the size and nonconformities; that request was granted.
4. The applicant again presented the revised plans (dated 10/25/21) at the November 2021 hearing, to raze the existing house and foundation and construct a new house and detached garage as shown on the revised plans. As noted, the property is currently nonconforming in minimum lot area (7,000 s.f. required, 5,000 s.f. existing), secondary lot width/frontage (70 feet required, 50 feet existing), and corner lot shape (33 feet required, 0 feet existing). The 10/25/21 Revised Plans proposed the new house to be parallel to Riverview Avenue and Highland Avenue, reduced the building ridge height to 26.6 feet, requested variances for floor area (2,000 s.f. permitted, 2,099 s.f. proposed), for Riverview Avenue as primary front, for primary building front setback (30 feet required, 13 feet proposed), for porch setback (25 feet required, 8.0 feet proposed), for secondary front building setback (30 feet required, 18 feet proposed), for rear setback (35 feet required, 9.0 feet proposed), for maximum building coverage (1,165 s.f. permitted, 1,372 s.f. proposed), and maximum floor area (2,000 s.f. permitted 2,099 s.f. proposed).
5. The applicant's architect explained the various reductions in the new revised plans. No neighbors or objections appeared. The Board reviewed the revised plans and concluded approval was warranted. As noted, the lot is undersized and variance relief is required due to the shape and size of the lot. No adjacent property is available. The proposed house as per the revised plan presents a reasonably sized structure generally compatible with the neighborhood and zone plan. The new house will enhance the appearance and

utility of the property, without causing detriment or adverse impact to the neighborhood or zone plan.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 14th day of December, 2021 that the application of JOHN and MOIRA BARRETT for a variance to raze the existing house and construct a new single family house and detached garage on the existing premises in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.
3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any responsibility or liability for the structural design of the project or for any damage which may be caused by the project.
4. Prior to issuance of any Certificate of Occupancy the applicant must repair or replace any curb, sidewalk, or street pavement damaged, in the judgment of the Borough Administrative Officer, as part of or by reason of the construction of the project.
5. The following must be accomplished prior to the issuance of a development, zoning and/or building permit:
 - a. Evidence must be provided by the applicant that

the permits and approvals listed in subsection 22-3.4a, of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

d. Insurance certificates must be provided if construction of public improvement is involved.

e. Any outstanding review fees or escrow deficiency must be paid.

f. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

Above Resolution moved by _____, seconded by _____, and on roll call the following vote was recorded:

In the affirmative:

In the negative:

Abstain:

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on December 14, 2021, as copied from the Minutes of the said meeting.

Date: December 14, 2021

Secretary
Board of Adjustment

